

Federal Personnel Manual System**FPM Letter** 340-2Published in advance
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Chapter 340**RETAIN UNTIL SUPERSEDED****SUBJECT:** Other Than Full-time Career Employment (Part-time,
Seasonal, On-call, and Intermittent)

Washington, D. C. 20415

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Heads of Departments and Independent Establishments:

Introduction

1. This letter announces the issuance of a new Federal Personnel Manual (FPM) chapter 340 on other than full-time career employment. The chapter provides comprehensive instructions and guidance on part-time, seasonal, on-call and intermittent employment, including purpose and appropriate use, and the benefits and service credit to which such employees are entitled. Previously published FPM letters and bulletins on part-time and on-call employment have been incorporated into the new chapter. The material on seasonal and intermittent employment is entirely new and marks the first time we have issued general instructions governing such employment. This new chapter is intended to give agencies greater flexibility to manage their work force while assuring employees equitable treatment.

2. A draft of this chapter was circulated for comment to agencies, unions and other interested parties. The final version was adopted after careful consideration of the comments received. Corresponding regulations were published in 5 CFR Part 340 on April 25, 1984.

Key Features

3. Part-time Employment. The new chapter describes the provisions of the Federal Employees Part-time Career Employment Act (P.L. 95-437), including requirements for the operation of agency part-time employment programs. Also included in the chapter is technical guidance on part-time employment policies, including the establishment of part-time work schedules, and the use of job sharers.

4. Seasonal Employment. Seasonal employees work recurring periods of less than 12 months each year; they are placed in nonduty/nonpay status and recalled to duty in accordance with preestablished conditions of employment. While there is no required minimum limit on the length of a season, agencies are encouraged to provide seasonal employees with at least 6 months employment each year to minimize the cost of unearned service credit and benefits. However, seasonal employment should not be used as a substitute for full-time employment.

5. On-call Employment. On-call employment is designed to provide management with a trained cadre of permanent employees who can supplement the full-time work force during periods of above average workload. On-call employees work on an as needed basis with an expected cumulative service period of at least six months in pay status each year. On-call employees work regularly scheduled tours of duty while in pay status and are placed in nonduty/nonpay status and recalled to duty in accordance with preestablished conditions of employment. As vacancies occur, on-call employees move into the agency's year-round work force.

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* Previously titled "Part-time Employment"

6. Intermittent Employment. By definition, intermittent employment is employment without a regularly scheduled tour of duty. This means that intermittent employment is appropriate when the nature of the work makes it impractical to schedule an employee to work at some time during each week in a pay period. If an intermittent employee is scheduled to work some part of each week in two or more consecutive pay periods, his or her work schedule must be changed to part time (or full time in the case of a 40 hour per week schedule). The term "WAE," sometimes used to designate intermittent employment, is obsolete and should not be used.

7. The full text of the new chapter is attached. A Federal Personnel Manual installment will be issued in the near future.



Donald J. Devine
Director

Attachment

FPM CHAPTER 340

OTHER THAN FULL-TIME CAREER EMPLOYMENT
(PART-TIME, SEASONAL, ON-CALL AND INTERMITTENT)

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SUBCHAPTER 1. PART-TIME CAREER EMPLOYMENT

1-1. BACKGROUND AND PURPOSE

a. Law. In passing the Federal Employees Part-time Career Employment Act of 1978, P.L. 95-437, the Congress held that part-time career (permanent) employment benefits the Government as an employer by providing management with the flexibility to meet work requirements and benefits society by providing an alternative for those who require or prefer shorter hours, for example, older or handicapped individuals, students, and parents with family responsibilities. The Act directs Federal agencies to provide increased part-time opportunities at all grade levels up to GS-16 or equivalent.

b. Definitions. As used in this subchapter:

- The Act means the Federal Employees Part-time Career Employment Act of 1978, (5 U.S.C. 3401 et seq.).
- Agency means an executive agency, a military department, an agency in the judicial branch, the Library of Congress, the Botanic Garden, and the Office of the Architect of the Capitol but does not include a Government-controlled corporation, the Tennessee Valley Authority, the Panama Canal Commission, the Federal Bureau of Investigation, the Central Intelligence Agency, or the National Security Agency.
- Part-time career employment means the employment, on or after April 8, 1979, of an individual serving under an excepted or competitive service appointment in tenure group I or II under a part-time work schedule of 16 to 32 hours per week. Certain authorized exceptions to this schedule requirement are described in section 1-2. This means that an employee who is appointed or converted to a part-time permanent position after April 7, 1979, is covered by the Act and must have a regularly scheduled tour of duty of no less than 16 hours a week and no more than 32 hours a week, except as noted in section 1-2. Coverage under the Act also affects the Government contribution to the health benefits premiums of a part-time employee participating in the Federal Employee Health Benefits Program as described in section 1-9.

c. Guidance. This subchapter provides instructions on the establishment of the required part-time employment programs and on the various personnel policies relating to part-time career employment. Part-time career (permanent, regularly scheduled) employment is referred to as part-time employment throughout this subchapter.

1-2. EXCEPTIONS

An individual employed under any of the following arrangements is excluded from the 16 to 32 hour per week tour of duty and health insurance prorating provisions of the Act.

a. Part-time employment of less than 16 hours per week. An agency may permit an employee in tenure group I or II to perform regularly scheduled work from 1 to 15 hours per week when the agency determines that such a tour of duty is necessary for the agency to carry out its mission (5 CFR 340.202(b)).

b. Mixed tour employment. Because of fluctuating workloads, an agency may schedule an employee to work part time during a portion of the year and full time and/or intermittent for the remainder. A mixed tour is appropriate when the workload of a position is known to vary during the year and should be established as a condition of employment at the time the employee is placed in such a position. An agency must issue an SF-50 to change the mixed tour employee from one work schedule to another. The reflection of a not-to-exceed (NTE) date in the remarks section is not necessary if the mixed tour has been established as a condition of employment. An employee under a mixed tour is exempt from the 16 to 32 hour per week tour of duty and health insurance prorating provisions of the Act when he or she works no more than 6 pay periods per year on a part-time schedule (5 CFR 340.202(c)).

c. Part-time employment begun prior to April 8, 1979. An employee who has continuously worked on a part-time work schedule since before April 8, 1979, is excluded from the 16 to 32 hour per week tour of duty and health insurance prorating provisions of the Act for as long as he or she continues to work on a part-time work schedule without a break in service (5 CFR 340.202(a)). For a definition of break in service see section 1-4(f). Although an employee is exempt from the 16 to 32 hour per week tour of duty requirements of the Act, he or she may be required by an agency to work between 16 and 32 hours per week upon movement to a different position.

d. Part-time employment in positions where collective bargaining agreements in effect on April 8, 1979, established the number of hours of employment per week. An employee in such a position is not subject to the provisions of the Act (5 U.S.C. 3405(a)).

e. Part-time temporary appointments and intermittent work schedules. An employee with a term or temporary appointment (or any other appointment outside tenure group 1 or 2) and an employee on an intermittent work schedule is excluded from provisions of the Act (5 U.S.C. 3401(2)). (See FPM chapter 316 for information on term and temporary employment and subchapter 4 of this chapter for information on intermittent employment.)

1-3. PROGRAM IMPLEMENTATION

a. Establishment of agency programs by regulation. The Act requires an agency to issue regulations setting up a program to promote part-time employment. These regulations must first be published for comment in the Federal Register. Final regulations may be published either in the Code of Federal Regulations or as an agency internal personnel issuance.

A program must include:

(1) Annual goals and timetables for establishing or converting positions. Goals may be set on an agencywide basis or by component. Further breakouts by occupational group or grade level may be helpful in furthering the expansion of part-time employment. Goals may be set either as a target percentage of the organization's work force to be employed on a part-time basis, or in terms of new part-time positions to be established. Goals should be based on a policy which to the maximum extent possible accommodates employee interest in converting to part-time schedules and at the same time promotes the hiring of part-time employees from outside the agency. Experience indicates that the ability to expand part-time opportunities is influenced by such factors as: agency mission and occupational mix; workload fluctuations; work force size and dispersion; turnover and employment trends; potential for improving service delivery; affirmative employment programs; and employee interest in part time.

(2) Procedures and criteria for establishing part-time positions. These must include procedures on: how vacant positions will be reviewed to determine the feasibility of part-time staffing, how an employee should request a change to a part-time work schedule, and how the agency will inform the public of vacant part-time positions. (Part-time vacancies require the same public notification procedures as full-time vacancies in the same occupation/grade.) In addition, an agency may wish to contact special interest groups and organizations which seek part-time employment opportunities for students, parents with family responsibilities, handicapped and retired persons.

b. Administration of agency part-time employment programs. An agency is required to establish ongoing programs to encourage part-time employment within the agency and to establish designated contact points within each major sub-organization where employees can obtain information on part-time employment opportunities. The duties of an agency part-time employment program coordinator shall include:

- overseeing development and implementation of part-time employment goals and timetables;
- consulting on the part-time employment program with interested parties, e.g., EEO and Federal Women's Program officials, Handicapped Program coordinators and representatives of employee unions, etc. (Note: Agencies are responsible for meeting obligations for negotiation and/or consultation, as appropriate, under 5 U.S.C. chapter 71.)

- responding to requests for advice and assistance on part-time employment within the agency;
- maintaining liaison with groups interested in promoting part-time employment opportunities; and
- preparing reports on part-time employment for transmittal to OPM.

c. Program exceptions. An agency is authorized by 5 U.S.C. 3402 (a)(3) to make exceptions to what is otherwise required in order to carry out its mission. Examples of permissible exceptions are identifying positions which cannot be staffed on a part-time basis and positions for which the tour of duty may be from 1 to 15 hours per week. There is no authority for an exception which permits a part-time career employee to be scheduled for more than 32 hours per week.

d. Limitations. (1) An agency shall not abolish any position occupied by an employee in order to make the duties of such position available to be performed on a part-time career employment basis (5 U.S.C. 3403(a)). This does not preclude permitting a full-time employee to voluntarily change to a part-time schedule.

(2) Any person who is employed on a full-time basis shall not be required to accept part-time employment as a condition of continued employment (5 U.S.C. 3403(b)). This limitation does not preclude offering a part-time vacancy to a full-time employee in lieu of RIF separation.

e. Evaluation and reporting. The Act requires an agency to provide for continuing review and evaluation of its part-time employment program. This may be accomplished by including a review of part-time employment as part of internal personnel management evaluations. The Act also requires an agency to report progress under the Act to the Office of Personnel Management twice yearly. Reports are due May 15 for the period October 1 - March 31 and November 15 for the period April 1 - September 30. One report covering all agency components shall be submitted to the Office of Personnel Management, Staffing Group, Office of Policy Analysis and Development, 1900 E Street, NW, Washington, D.C. 20415.

Reports shall contain:

- Description of agency progress in meeting part-time employment goals established under 5 U.S.C. 3402. Identify the annual agencywide goal set for establishing or converting (additional) part-time positions and the percentage of the goal achieved as of the end of the reporting period.

- Explanation of any impediments encountered in meeting such goals or otherwise carrying out the provisions of the Act and a description of the measures taken to overcome such impediments.
- Information on the extent to which opportunities for part-time employment have been extended to students and parents with family responsibilities. OPM will continue to compile data from the Central Personnel Data File (CPDF) on the extent to which opportunities for part-time employment have been extended to other groups mentioned in section 2 of the Act, i.e., handicapped and older individuals.
- Copies of any agencywide regulations or instructions on part-time employment issued during the 6-month period covered by the report.

1-4. WORK SCHEDULE/TOUR OF DUTY

a. Regular schedule. To be considered part time for purposes of this subchapter, an employee must have a regular schedule, set in advance, of at least one hour in each administrative workweek in each biweekly pay period.

b. Tour of duty. A tour of duty consists of the hours of a day and the days of an administrative workweek that constitute an employee's regularly scheduled workweek. The tour of duty for a part-time employee must be no less than 16 and no more than 32 hours per week except as provided in section 1-2. The tour of duty for a part-time employee on an alternative work schedule (see FPM chapter 610) may be set on the basis of from 32 to 64 hours per pay period. A tour of duty is documented on the SF 50, Notification of Personnel Action.

c. New or changed tour of duty. Agencies may establish a new tour of duty for a part-time employee or temporarily change a current tour to meet the needs of the office or the employee. A change must be made in advance of the administrative workweek in which the change is to occur and must be approved by an authorizing official. (See FPM supplement 296-33, subchapter 24, for information on when an SF-50 is required.) An increase in the tour of duty above 32 hours per week is not permitted for more than two consecutive pay periods in keeping with congressional intent to limit regular part-time work schedules to no more than 32 hours per week.

d. Change to full-time work schedule. It is contrary to merit principles to appoint an individual to work part time with the intent to convert the employee to full time after a brief interval. Unexpected increases in workload may, however, require an agency to change the work schedule of a part-time employee to full time on either a short term (i.e., not to exceed a certain date) or permanent basis. If the change would be a hardship to the employee, for example, by affecting the employee's health or disrupting school or child care arrangements, the agency should first determine if there are other ways to accomplish the added work within available resources. If the change is temporary, the not-to-exceed date should be specified in the SF-50 remarks.

e. Part-time employment before April 8, 1979. An individual who has been employed on a part-time permanent basis without a break in part-time service since before April 8, 1979, is exempt from the Act and, depending on agency policy, can be scheduled for up to 39 hours per week. Promotion, reassignment or transfer to another part-time position has no effect on the exemption but an agency may require the employee to work on a different schedule of fewer hours when the employee moves to a different position. For this purpose a temporary promotion or detail of 120 days or less to a full-time position does not count as a break in part-time service. A break in service of more than 3 calendar days or movement to a full-time position for more than 120 days would mean that if the employee later returned to a part-time work schedule, he or she would be covered by all provisions of the Act.

f. Concurrent part-time appointments. While the intent of Congress in passing the Act was to increase the opportunities available to those who require or prefer part-time employment, there is no specific prohibition against an individual's holding two part-time positions either in the same or different agencies. The tour of duty for each part-time position must be set in accordance with section 1-4(b) above. In the case of concurrent part-time appointments, the aggregate hours should normally not exceed 40 hours per week. Under certain conditions, however, an agency is authorized to permit an employee to exceed the 40-hour limitation as provided for in 5 CFR 550.504(a) and FPM chapter 550, subchapter 5. An employee who is involuntarily separated from one of two part-time positions is not entitled to severance pay.

1-5. JOB SHARING

a. Definition. Job sharing is a form of part-time employment in which the tours of duty of two (or more) employees are arranged in such a way as to cover a single full-time position.

b. Status. Although they share the duties of a full-time position, job sharers are considered to be individual part-time employees for purposes of appointment, tour of duty, pay, classification, leave, holidays, benefits, position change, service credit, recordkeeping, reduction in force, adverse actions, grievances and personnel ceilings.

c. Tour of duty. A variety of different work scheduling arrangements can be used, for example, split days (one job sharer works mornings and the other afternoons), alternate days (one job sharer works Monday, the other Tuesday, etc.) or split weeks (one job sharer works from Monday morning through noon Wednesday and the other works from noon Wednesday through Friday). Job sharers may also work alternate weeks so long as each job sharer works no more than 32 hours a week and has at least one hour of work

regularly scheduled in each of the two weeks of the bi-weekly pay period. The latter is necessary in order to meet the legal definition of regularly scheduled work which permits an employee to earn leave. The work schedules of job sharers may overlap (one job sharer may work from 10 a.m. to 2 p.m. every day and the other from noon to 4 p.m.). This arrangement can provide agencies with extra coverage during heavy workload periods without using costly overtime. A certain amount of overlap may also be desirable to enable job sharers to attend staff meetings or familiarize each other with work developments. Although most job sharers split the hours of a full-time position in half, this is not an absolute requirement. For example, one job sharer could work 24 hours each week and the other 16.

d. Flexibility. Job sharing can provide an agency with considerable work scheduling flexibility. Work disruptions which tend to occur when employees are on extended leave can be reduced through job sharing. One job sharer might be off for six weeks, but the other would still be on duty and could work additional hours to cover the full schedule. If one of the job sharers leaves, this technique could also be used while the other half of the position is being filled.

e. Job classification and position description. Job sharers each have a separate position description which may or may not be identical. Duties of job sharers may be the same or different. It is also possible to have "split-level" job sharing in which one job sharer performs duties classified at a higher grade level than the duties performed by the other employee sharing the position.

f. Merit promotion eligibility. A job sharing team may apply for a full-time position under agency merit promotion programs but the qualifications of each job sharer should be evaluated individually. If both potential job sharers are among the best qualified, they should be referred as a team to the selecting official. A job sharer may also apply individually for promotion to a part-time or full-time position. In the latter case, the job sharer would have to agree to convert to a full-time work schedule if selected for the position.

1-6. PAY AND CLASSIFICATION

a. Classification. Classification principles and procedures apply equally to full-time and part-time positions. The grade level of a position is determined by the level of difficulty of work; an employee's work schedule should have no effect on the proper classification of a position.

b. Pay. Gross basic pay is computed by multiplying the employee's hourly rate of pay by the number of hours worked during the pay period.

c. Overtime pay. Overtime pay or compensatory time off for an eligible part-time employee is provided only for work over 8 hours a day or over 40 hours in a week. A part-time employee receives straight-time pay for work which is in excess of scheduled hours but which does not exceed 8 hours per day or 40 hours per week.

d. Compensatory overtime. A part-time employee may elect to perform compensatory overtime work to replace time taken off for religious observances. (See 5 CFR 550, subpart J.)

e. Sunday pay. A part-time employee is not entitled to Sunday premium pay for working on Sundays. (46 Comp. Gen. 337)

1-7. LEAVE AND HOLIDAYS

a. Leave. (1) A regularly scheduled part-time employee with less than 3 years of service earns 1 hour of annual leave for each 20 hours in a pay status. With 3 but less than 15 years of service, the employee earns 1 hour of annual leave for each 13 hours in pay status; with 15 or more years of service, 1 hour for each 10 hours in pay status. Maximum carryover at the end of the leave year is the same as for a full-time employee. Sick leave accrues at the rate of 1 hour for each 20 hours in a pay status. Hours in pay status include straight-time and overtime hours up to a total of the agency's basic working hours in a pay period (normally 80 hours). Leave is charged for absence during the hours the employee is scheduled to work.

(2) A part-time employee is eligible for other leave categories, e.g., absence without leave, leave without pay, court leave, funeral leave or excused absences on the same basis as a full-time employee.

(3) An eligible part-time employee accrues military leave prorated on the basis of tour of duty (5 U.S.C. 6323(a)(2)). (See FPM chapter 630.)

b. Holidays. (1) A part-time employee is not entitled to a holiday which falls outside the tour of duty. If a holiday falls on a day a part-time employee is scheduled to work and the employee does not work, the employee is paid for the number of hours scheduled for that day. If the part-time employee works during his or her scheduled hours on a holiday, the employee is entitled to holiday premium pay only for those hours scheduled.

(2) A part-time employee is not automatically entitled to an "in lieu of" holiday provided for full-time employees. For the purposes of pay and leave, an "in lieu of holiday" is a day which is to be treated as a holiday instead of a legal public holiday or any other day declared to be a holiday by Federal statute or Executive order.

If an "in lieu of" holiday falls on a part-time employee's regularly scheduled workday, and the part-time employee is prevented from working because the agency is closed, the agency may excuse the employee from duty by an administrative order or grant the employee annual leave or leave without pay for the hours scheduled to be worked on that day. A part-time employee who works on an "in lieu of" holiday shall be paid straight time for hours worked.

1-8. SERVICE CREDIT

a. Qualifications. Part-time work is prorated in determining whether an employee meets the X-118 qualification requirements. For example, for this purpose an employee on a 20-hour per week schedule would earn 6 months of credit per year. Time should generally be figured on the basis of hours in pay status (excluding overtime) rather than scheduled hours in order to recognize the service of part-time employees who are frequently required to work additional straight-time hours.

b. Other requirements. A part-time employee receives a full year of service credit for each calendar year worked (regardless of tour of duty) for the purpose of computing service for retention, retirement, career tenure, completion of probationary period, within-grade increases, leave accrual rate, and time-in-grade restrictions on advancement.

1-9. BENEFITS

a. Retirement benefits. Retirement benefits are computed in the same way for all career employees, full-time and part-time. Annuities are based on an employee's length of service and the highest annual basic pay received for any 3 consecutive years. (Note: Benefits which include service as a part-time employee of the Department of Medicine and Surgery, Veterans Administration, are prorated under P.L. 97-72.)

b. Life insurance. A part-time employee is eligible for the Federal Employees Group Life Insurance Program. The actual amount of insurance for which an employee is eligible is based on annual salary. The minimum amount of basic insurance is \$10,000. For this purpose a part-time employee's annual salary is figured on the basis of hours in the tour of duty times base pay rate. An employee with concurrent part-time appointments is entitled to life insurance on the basis of the sum of the annual salaries for the positions. This does not apply to a part-time flexible employee of the Postal Service. (See FPM supplement 870-1.)

c. Health Insurance. A part-time employee is eligible to participate in the Federal Employees Health Benefits Program. The coverage provided for a part-time and full-time employee is the same but the cost to a part-time employee covered by the Act is greater since a covered employee receives a prorated Government contribution to health insurance premiums according to the number of hours in the tour of duty during the pay period. The Government contribution to premiums of an employee with concurrent part-time appointments is based on the sum of the tours of duty for the appointments. (See FPM supplement 890-1.)

Three groups of part-time employees are excepted by statute from the requirement for prorating and receive the full Government contribution to health insurance premiums:

- (1) Employees with tours of duty of less than 16 hours per week.
- (2) Employees with mixed tours as described in section 1-2(b) above.
- (3) Employees who were serving on a part-time basis prior to April 8, 1979 (the effective date of the Act). A break in part-time service eliminates the employee's right to the full Government contribution. (See 1-4(f) for description of what constitutes a break in part-time service.)

1-10. POSITION CHANGE

A part-time employee is covered by an agency's merit promotion program and should be reassigned, detailed and promoted in accordance with such programs in the same way and under the same circumstances as other career or career-conditional employees. Movement from a part-time to a full-time position is not subject to competition unless required by the procedures in chapter 335 governing promotion and internal placement.

1-11. REDUCTION IN FORCE

In a reduction in force, part-time employees are placed in a separate competitive level from comparable full-time employees. When released from competitive level, a part-time employee can compete only for other part-time jobs. Similarly, a full-time employee has assignment rights only to full-time positions and cannot displace a part-time employee. (See FPM chapter 351.)

1-12. ADVERSE ACTIONS/GRIEVANCES

A part-time employee has the same protections as a full-time employee in the event of adverse actions such as suspensions, removals and furloughs, and reduction in grade or pay. Part-time employees are also covered by agency grievance procedures or negotiated grievance procedures, if applicable.

1-13. PERSONNEL CEILING

Paid straight-time hours worked by part-time employees count against an agency's Full-Time Equivalent (FTE) work year personnel ceiling in those agencies operating under this system. In other agencies, part-time employees are prorated according to work schedule for ceiling accounting purposes, i.e. a part-time employee whose schedule is 20 hours per week is equivalent to half a work year.

SUBCHAPTER 2. SEASONAL EMPLOYMENT

2-1. DEFINITION

"Seasonal employment" means recurring periods of work lasting less than 12 months each year. Seasonal employees are placed in nonduty/nonpay status and recalled to duty in accordance with preestablished conditions of employment.

2-2. PURPOSE AND APPROPRIATE USE

a. Seasonal employment is intended to enable agencies to develop an experienced cadre of career employees to perform work which recurs during an identified portion of the year. For example, seasonal employees work in parks and forests, Internal Revenue Service and passport offices, and other organizations where the work is characterized by seasonal fluctuations.

b. Consistent with the career-conditional or career appointment, a seasonal employee receives the full range of benefits provided to attract and retain a stable work force, including life and health insurance and up to 6 months credit for retirement while in a nonpay status. These benefits are, however, valuable and costly and are intended to be part of a total compensation package reserved for the employee who has a realistic prospect of a Government career. In evaluating the appropriateness of seasonal versus other kinds of employment, an agency should consider such factors as the relative difficulty of obtaining skilled personnel on a recurring basis, the costs in time and resources of recruiting and training new employees, the cost to the Government of unearned creditable service and any continuing benefits, and the availability of other work to which a seasonal employee could be assigned in lieu of layoff.

While there is no Office of Personnel Management limit on the length of a season, agencies are encouraged to set a 6-month minimum in light of the costly benefits (including service credit during nonpay status) provided to a seasonal employee under career or career-conditional appointment.

c. An agency determines the length of a season in accordance with staffing levels and workload requirements, subject to the condition that the length of the season must be clearly tied to the nature of the work and may not be used as a substitute for full-time employment. Conversely, because of considerations of equity, career seasonal rather than temporary employment should be used for recurring employment which is expected to last more than 6 months each year. The season should be defined as closely as practicable so that an employee will have a reasonably clear idea of how much work he or she can expect during the year. For example, it would be inappropriate for an agency to set minimum and maximum periods of employment of 6 and 11 months. Such broad terms are not reflective of the work the employee is actually expected to perform. Although not required, agencies are urged to discuss the use of seasonal employment and the length of the season with appropriate employee organizations. This should help prevent misunderstandings as well as promote discussion and analysis of the most efficient way of accomplishing work.

d. Seasonal employment is not intended to be used as a buffer for the full-time work force and seasonals should not bear a disproportionate share of the burden when an agency is faced with budget reductions. If an agency must reduce the number of weeks a seasonal employee works below the minimum specified in the employment agreement, i.e., furlough the employee, the procedures in FPM chapter 351 or 752, as appropriate, apply. (See section 2-6.)

2-3. DIFFERENCES BETWEEN SEASONAL AND ON-CALL EMPLOYMENT

Both seasonal and on-call employment provide a means by which agencies can take advantage of the many positive features of career employment to meet fluctuating recurring workloads without the need to keep employees in a pay status when the workload subsides. Although similar, seasonal and on-call employment are tailored to different situations; see subchapter 3 for details on on-call employment.

2-4. SELECTION, APPOINTMENT AND WORK SCHEDULE

Appointments to seasonal positions are made on a career or career-conditional basis using the appropriate authority in 5 CFR part 315. An appointment may be made from any appropriate source, including transfer, reinstatement, reemployment priority list, or a competitive register established by OPM or the agency under delegated examining authority. A seasonal employee may work on a full-time, part-time or intermittent work schedule during the season if provision is made for these variations at the time of appointment. A Notification of Personnel Action must be processed to change the employee from one work schedule to another. (See also subchapter 1-2b on mixed tour employment.)

2-5. TERMS AND CONDITIONS OF EMPLOYMENT

a. Since a seasonal employee is subject to periodic layoff and recall as a condition of employment, it is imperative that a candidate understand and agree to these conditions prior to actually entering on duty. A special employment agreement must be executed between the agency and the seasonal employee at the time of appointment. The agreement should be attached to the employee's copy of the Notification of Personnel Action (SF 50) and a reference to the agreement should be included in the SF 50 remarks.

b. At a minimum, the agreement must inform the employee:

- that he or she is subject to periodic release and recall as a condition of employment; (See section 2-6.)

- the minimum and maximum period the employee will be expected to work;
- the basis on which release and recall will be effected. (It is a good idea to give the employee a copy of the agency's procedures governing release and recall); and
- the benefits to which the employee will be entitled while in a nonpay status.

2-6. RELEASE AND RECALL PROCEDURES

a. A seasonal employee is released to nonpay status at the end of the season and recalled to duty for the next season. Release and recall procedures must be established in advance, and uniformly applied. These may be based on performance, seniority, veteran preference, other appropriate indices, or a combination of factors.

b. A seasonal layoff effected in accordance with preestablished conditions of employment is not considered a "furlough" as defined by 5 U.S.C. 7511, and is not subject to procedures for furlough prescribed in either 5 CFR 351 (Reduction in Force) or 5 CFR 752 (Adverse Action). To avoid confusion on this point, the phrase "placement in nonduty/nonpay status" should be used to denote seasonal layoff.

c. A layoff which is not in accordance with preestablished conditions of employment and this subchapter is subject to adverse action procedures if the furlough is for 30 days or less or reduction-in-force procedures if the furlough is for more than 30 days. A layoff under part 351 or part 752 may be appealed to the Merit Systems Protection Board under the provisions of these chapters and the Board's regulations.

2-7. DOCUMENTATION

a. The initial SF 50, Notification of Personnel Action, for a seasonal employee should show the Nature of Action (NOA), the appropriate Nature of Action Code (NOAC), and the appropriate work schedule ("G" for seasonal full time, "Q" for seasonal part time and "J" for seasonal intermittent). In addition, the remarks portion of the SF 50 should include the statement: "Appointment is on a seasonal basis; the employee is subject to release to nonpay status and recall to duty to meet workload requirements as a condition of employment in accordance with the attached agreement."

b. When a full-time or part-time seasonal employee is placed in a nonduty/nonpay status, the Nature of Action Code (NOAC) is 430 and the Nature of Action is "Placement in Nonpay Status." The remarks portion of the personnel action for full-time and part-time employees will include the statement: "Service credit for retirement, reduction in force, and leave accrual continues for up to a maximum of 6 months of nonpay time per calendar year." If the employee has elected life insurance and/or health benefits coverage, consult FPM supplement 296-33 for remarks pertaining to that coverage. The reason for placement in nonduty/nonpay status should also be noted, e.g., "Reason: Lack of Work." When recalled to duty from nonduty/nonpay status, the Nature of Action is "Placement in Pay Status," NOAC 280.

c. Placement in nonpay status for other reasons (because of employee performance, misconduct or delinquency, approval of leave without pay while in pay status, etc.) will be documented following appropriate instructions in FPM supplement 296-33, subchapter 15.

2-8. SERVICE CREDIT

A regularly scheduled seasonal employee receives the same service credit as any other regularly scheduled employee for the time spent in pay status and for the time in nonpay status. The information in this section applies only to a seasonal employee with a full-time or part-time work schedule. See subchapter 4 for information on crediting service for an intermittent seasonal employee.

a. Probationary period. A maximum of 22 workdays in nonpay status is creditable toward completion of probation. (For purposes of probation an employee who takes a temporary appointment with another agency during this seasonal layoff should be considered as being in nonpay status.) Note that this is 22 days in the aggregate--not each time an employee is placed in a nonpay status.

b. Career tenure. The first 30 calendar days of each period of nonpay status is creditable for career tenure.

c. Within-grade increases. Only limited amounts of time in nonpay status can be credited for within-grade increases. A seasonal employee serving in a Federal Wage System position receives credit for within-grade increases for up to 1 workweek in nonpay status for step 2, up to 3 workweeks for step 3, and up to 4 workweeks for steps 4 and 5. Time in a nonpay status under the General Schedule is credited on the basis of 2 workweeks for steps 2 through 4, 4 workweeks for steps 5 through 7, and 6 workweeks for steps 8 through 10. (Two workweeks in nonpay status means 80 cumulative workhours scheduled for a full-time employee or the cumulative number of workhours scheduled for 2 workweeks for a part-time employee. For this purpose, "workhours scheduled" does not include scheduled overtime hours.) An employee in nonpay status for more than 52 consecutive weeks must begin a new waiting period for within-grade increases.

d. Other Purposes. A seasonal employee receives service credit for purposes of retention, retirement, and leave accrual rate for up to 6 months of nonpay status in each calendar year.

2-9. BENEFITS

A regularly scheduled seasonal employee under career or career-conditional appointment is covered by the Civil Service Retirement System. A regularly scheduled seasonal employee who is expected to work at least 6 months per year is eligible for health and life insurance coverage. See FPM supplements 870-1 and 890-1. For information on payments for the Federal Employees Health Benefits Program during nonpay status, see FPM chapter 890. A seasonal employee earns leave during the time in pay status and during up to 80 hours in nonpay status each year.

2-10. POSITION CHANGE

A seasonal employee is covered by an agency's merit promotion program and should be reassigned, detailed and promoted in accordance with such programs in the same way and under the same conditions as any other career or career-conditional employee. This means that movement from a seasonal to a nonseasonal position is not subject to competition unless required by the procedures in chapter 335 governing promotion and internal placement.

2-11. REDUCTION IN FORCE

a. In the event of a reduction in force (RIF), seasonal employees will be placed in a separate competitive level from year-round employees and will have assignment rights only to other seasonal positions. (See FPM chapter 351.)

b. See Section 2-6, Release and Recall Procedures, for information on when RIF procedures are required to release a seasonal employee.

2-12. UNEMPLOYMENT COMPENSATION AND OTHER EMPLOYMENT

a. To minimize the adverse impact of seasonal layoffs, an agency should, where feasible, make an effort to assign seasonal employees to other work within the agency during the projected layoff period.

b. While in nonpay status, a seasonal employee may accept other employment, Federal or non-Federal. Such employment is, however, subject to the regulations on political activity of Federal employees (5 CFR 733), and on employee responsibilities and conduct (5 CFR 735) as well as applicable agency policies. Subject to the limitation in 5 U.S.C. 5533 which provides that an employee may generally not receive basic pay from more than one position for more than 40 hours per week, a seasonal employee may hold more than one appointment.

c. While in nonpay status, a seasonal employee may be eligible for unemployment compensation, depending on individual State law; an agency should make an effort to inform seasonal employees of their eligibility.

2-13. PERSONNEL CEILING

Paid straight-time hours worked by a seasonal employee count against an agency's Full-Time Equivalent (FTE) work year personnel ceiling in those agencies operating under this system.

SUBCHAPTER 3. ON-CALL EMPLOYMENT

3-1. DEFINITIONS

a. An on-call employee serves under a permanent appointment (tenure group I or II) and works on an as needed basis during periods of heavy workload, with an expected cumulative service period of at least six months in pay status each year. An on-call employee works on a regularly scheduled tour of duty while in pay status, and subject to workload, is placed in nonpay status and recalled to duty in accordance with preestablished conditions of employment. As vacancies occur, an on-call employee moves into the agency's year-round work force in accordance with preestablished conditions of employment.

b. "Pay status" is the period of paid employment.

c. "Nonpay status" is the period during which the employee is released from pay status or is any period of leave without pay or absence without leave.

3-2. PURPOSE AND APPROPRIATE USE

a. On-call employment is designed to provide management with a cadre of permanent employees who are available on short notice to supplement the year-round work force during above average workload periods and who can eventually move into year-round employment. The use of on-call employment can reduce excessive use of overtime and unproductive reassignments caused by skill imbalances.

b. An agency should recognize that the use of on-call employees may increase certain personnel and administrative costs. For example, an on-call employee accrues "unearned" service credit for up to 6 months of nonpay status each year. Also an agency may need special administrative systems for processing, monitoring, and controlling the on-call work force. Although these potential disadvantages may be outweighed by improved operational effectiveness and work force stability, it remains for each agency to determine whether on-call employment is appropriate for its particular workload and operating environment.

c. The use of on-call employment does not require the prior approval of the Office of Personnel Management and is not limited to specific agencies, locations, occupations or grade levels. The on-call concept has been found to work best when it is an agency's primary source of career intake into the occupations and grade levels for which it is used. Because of the costs of processing personnel actions to release and recall an employee to and from nonduty/nonpay status, it is desirable to use on-call employment only in situations where the work to be performed occurs over an extended block of time, i.e., at least one month. If the work is of a more sporadic nature, i.e., incidental days or weeks, other forms of employment may be more cost effective.

d. Once an agency determines that the use of on-call workers would be appropriate, it needs to carefully plan to determine (1) the size of the on-call work force, including the occupational mix and the percentage or number of positions in each occupation which will be filled by on-call employees, (2) the rate at which on-call employees can be absorbed into the full-time work force, and (3) the extent to which the agency will specify in the employment agreement when employees will be moved into year-round employment. In making these determinations agencies should take into account workload assumptions, projected turnover, as well as the requirement that each on-call employee is expected to work a minimum of 6 months in each calendar year.

e. To assure appropriate application and understanding of on-call employment an agency using this form of employment should develop internal guidelines for release and recall to duty, movement to year-round employment, preemployment briefing format, and standardized employment agreements.

3-3. DIFFERENCES BETWEEN ON-CALL AND SEASONAL EMPLOYMENT

Both on-call and seasonal employment provide a means by which agencies can take advantage of the many positive features of career employment to meet fluctuating recurring workloads without the need to keep employees in a pay status when the workload subsides. Although similar, seasonal and on-call employment are tailored to different situations; see subchapter 2 for details on seasonal employment.

3-4. SELECTION, APPOINTMENT, AND WORK SCHEDULE

Appointments to on-call positions are made on a career or career-conditional basis using the appropriate authorities in 5 CFR 315. Appointments may also be made using excepted service authorities for permanent appointments (tenure group I or II), e.g., Veterans Readjustment Appointments under 5 CFR 307. Agencies should note that an excepted service employee serving in an on-call position does not acquire any special eligibility (outside the specific terms and conditions of his or her appointment) to be converted to a career appointment merely by serving in an on-call position. Selections may be made from any appropriate source including voluntary conversion from year-round employment, transfer, reinstatement, reemployment priority list, or competitive registers established by OPM or the agency under delegated examining authority. An on-call employee works on a regularly scheduled basis while in pay status and generally has a full-time, 40 hours per week work schedule. A part-time work schedule of 16 to 32 hours per week is not precluded as long as such a schedule is established in accordance with applicable laws and regulations.

3-5. TERMS AND CONDITIONS OF EMPLOYMENT

a. Since an on-call employee is subject to periodic release and recall to and from nonduty/nonpay status as a condition of employment, it is imperative that candidates understand and agree to these conditions prior to actually entering on duty.

b. A special employment agreement must be executed between the agency and the on-call employee at the time of appointment. The agreement must be attached to the employee's copy of the SF 50, Notification of Personnel Action, and a reference to the agreement should be included in the SF 50 remarks.

c. At a minimum the agreement must indicate:

- that the employee is subject to periodic release and recall to duty under specified advance notice procedures;
- the benefits to which the employee will be entitled while in nonpay status;
- that it is expected that the employee will be provided with a minimum of 6 months of employment each year, but that the employee may work a full 12 months each year as workload requires;
- the terms under which the employee will be converted to year-round employment in his/her occupation and grade. (Some agency agreements have included a statement that an effort would be made to convert on-call employees to regular year-round employment within a specified period, e.g., 2 years, following the initial on-call appointment. Although not required, this type of commitment may be a significant incentive for candidates to accept on-call employment.)

3-6. RELEASE AND RECALL PROCEDURES

a. An on-call employee is released to nonpay status at the end of peak workload periods and recalled to duty as needed for the next peak period. Release and recall must be accomplished according to a specific plan and in an established order. Procedures must be both equitable and uniformly applied. Release and recall may be based on performance, veteran preference, seniority, other appropriate indices, or a combination of factors. Regardless of the factors used, an employee should be notified at least 3 days prior to release or recall.

b. An agency may consider an employee request for delay in recall to duty. An employee failing to report for recall may be considered as absent without leave and subject to disciplinary action in accordance with appropriate procedures.

c. Release to nonpay status in accordance with preestablished conditions of employment is not a "furlough" as defined by 5 U.S.C. 7511 and is not subject to procedures for furlough prescribed either in 5 CFR 351 (Reduction in Force) or 5 CFR 752 (Adverse Action).

3-7. DOCUMENTATION

a. The initial SF 50, Notification of Personnel Action, for an on-call employee should show the Nature of Action (NOA) and Nature of Action Code (NOAC), for example, "Career-Conditional Appointment," NOAC 101, and the appropriate work schedule code, "G" for on-call (seasonal) full time and "Q" for on-call (seasonal) part time. The same work schedule codes are used for the seasonal and on-call programs. In addition, the remarks portion of the SF 50 should include the statement: "Appointment is on an on-call basis; the employee is subject to release to nonpay status and recall to duty to meet workload requirements as a condition of employment in accordance with the attached agreement."

b. When an on-call employee is placed in nonduty/nonpay status, the NOAC and Nature of Action will be 430, "Placement in Nonpay Status." The remarks portion of the personnel action will include the statement: "Service credit for retirement, reduction in force, and leave accrual purposes continues up to a maximum of 6 months of nonpay time per calendar year." Also add the reason, e.g., "Reason: Lack of work." If the employee has elected life insurance and/or health benefits coverage, consult FPM supplement 296-33 for remarks pertaining to that coverage.

c. When recalled to duty from nonduty/nonpay status the NOAC and Nature of Action will be "Placement in Pay Status", NOAC 280.

d. Movement to or from year-round positions will be processed using NOA "Change in Work Schedule" NOAC 781, and the remark: "Change from on-call to year-round employment", or "Voluntary change from year-round to on-call employment", as appropriate.

3-8. SERVICE CREDIT

An on-call employee receives the same service credit as any other regularly scheduled employee for the time spent in a pay status. Time in nonpay status is creditable as follows:

a. Probationary period. A maximum of 22 workdays in nonpay status is creditable towards completion of the probationary period. Note that this is 22 days in the aggregate--not each time an employee is placed in nonpay status.

b. Career tenure. The first 30 calendar days of each period of nonpay status is creditable for career tenure.

c. Within-grade increases. Only limited amounts of time in nonpay status can be credited for within-grade increases. An on-call employee serving in a Federal Wage System position receives credit for within-grade increases for up to 1 workweek in nonpay status for step 2, up to 3 workweeks for step 3, and up to 4 workweeks for steps 4 and 5. Time in a nonpay status under the General Schedule is credited on the basis of 2 workweeks for steps 2 through 4, 4 workweeks for steps 5 through 7, and 6 workweeks for steps 8 through 10. (Two workweeks in nonpay status means 80 cumulative workhours scheduled for a full-time employee or the cumulative number of workhours scheduled for 2 workweeks for a part-time employee. For this purpose, "workhours scheduled" does not include scheduled overtime hours.) An employee in nonpay status for more than 52 consecutive weeks must begin a new waiting period for within-grade increases.

d. Other purposes. An on-call employee receives service credit for purposes of retention, retirement, and leave accrual rate for up to 6 months of nonpay status in each calendar year.

3-9. BENEFITS

An on-call employee under career or career-conditional appointment is covered by the Civil Service Retirement System. Since an on-call employee is expected to work at least 6 months per year, he or she is eligible for health and life insurance coverage. See FPM supplements 870-1 and 890-1. For information on payments for the Federal Employees Health Benefits Program during nonpay status, see FPM chapter 890. An on-call employee earns leave during the time in pay status and during the first 80 hours in nonpay status each year.

3-10. POSITION CHANGE

a. An on-call employee with a career or career-conditional appointment is covered by agency merit promotion programs and may be reassigned, detailed, and promoted in accordance with such programs in the same way and under the same conditions as other career or career-conditional employees. In order to insure equitable conversion of on-call employees to year-round employment, an agency may exclude on-call employees from consideration for year-round positions in occupations/grade levels where other on-call employees are serving and awaiting conversion to year-round employment.

b. Movement from an on-call to a year-round position is not subject to competition unless required by the procedures in chapter 335 governing promotion and internal placement.

3-11. REDUCTION IN FORCE

a. Reduction-in-force procedures do not apply to the release of an on-call employee to nonpay status or recall to pay status in accordance with preestablished conditions of employment. At the same time, however, the special authority for release of on-call employees at the end of peak workload periods is not intended to be a substitute for adverse actions or reduction-in-force procedures, when the use of these procedures would be otherwise appropriate.

b. In the event of a reduction in force, on-call employees will be placed in a separate competitive level from year-round employees and will have assignment rights only to other on-call positions. (See FPM chapter 351.)

3-12. UNEMPLOYMENT COMPENSATION

a. While in nonpay status, an on-call employee may be eligible for unemployment compensation, depending on individual State law; an agency should make an effort to inform employees of their eligibility.

b. While in nonpay status, an on-call employee may accept other employment, Federal or non-Federal. Such employment is, however, subject to the regulations on political activity of Federal employees (5 CFR 733) and on employee responsibilities and conduct (5 CFR 735) as well as applicable agency policies. Subject to the limitation in 5 U.S.C. 5533 which provides that an employee may generally not receive basic pay for more than one position for more than 40 hours per week, an on-call employee may hold more than one appointment.

c. To minimize the adverse impact of layoffs on employees and the unearned service credit and benefit costs which occur during periods of nonpay status, agencies should, when feasible, consider assigning on-call employees to other work during the projected layoff period.

3-13. PERSONNEL CEILING

Paid straight time hours worked by an on-call employee count against an agency's Full-Time Equivalent (FTE) work year personnel ceiling in those agencies operating under this system.

3-14. USE OF ON-CALL EMPLOYMENT FOR POSITIONS IN THE EXCEPTED SERVICE

Although this subchapter pertains to the use of on-call employment for competitive service positions, unless otherwise prohibited, agencies may also apply the definitions and procedures to positions in the excepted service.

SUBCHAPTER 4. INTERMITTENT EMPLOYMENT

4-1. DEFINITION AND APPROPRIATE USE

a. Definitions. For purposes of this subchapter "intermittent employment" means nonfull-time employment in which employees serve under an excepted or competitive service appointment in tenure group I or II without a regularly scheduled tour of duty. (Employees under temporary or term appointments may also work on an intermittent basis. See FPM chapter 316.) "Regularly scheduled" and "tour of duty" have the meaning given those terms in 5 CFR 610.102.

b. Appropriate use. An intermittent work schedule is appropriate for a position in which the nature of work is sporadic and unpredictable so that a tour of duty cannot be regularly scheduled in advance, for example, snow removal. Intermittent employment is not appropriate for a position which could be filled by a regularly scheduled, i.e., part-time or a full-time, employee. A Comptroller General decision (57 Comp. Gen. 82) emphasizes the need for agencies to carefully examine the working arrangements of intermittent employees to determine whether they are, in fact, working on a scheduled basis and are being denied leave because their work schedules have been erroneously documented.

c. Changing an intermittent to part time. When an agency schedules an intermittent employee, in advance of the pay period, to work at some time during each administrative week for more than two consecutive pay periods, the agency is required to change the employee's work schedule from intermittent to part time (or full time in the case of a 40 hour per week schedule) and to issue an SF 50, Notification of Personnel Action, documenting the change. The employee would then be entitled to the benefits appropriate to the work schedule and appointment, i.e., leave and service credit. The employee would also be eligible for retirement, health benefits and life insurance coverage, if not otherwise excluded (see FPM supplements 831-1, 870-1, and 890-1). When the employee is assigned to regularly scheduled work for a limited or specified period, a not-to-exceed (NTE) date should be established for the personnel action and documented on the SF 50. This will allow the agency to return the employee to intermittent status at the conclusion of the scheduled work assignment without the use of reduction-in-force procedures.

4-2. POSITION CHANGE

An intermittent employee serving under career or career-conditional appointment is covered by agency merit promotion programs and may be re-assigned, detailed or promoted in accordance with such programs to other positions. Competitive procedures are not required to change an intermittent employee to a part-time or full-time work schedule.

4-3. BENEFITS

a. Retirement and health benefits. An intermittent employee is not eligible for health benefits coverage, unless the intermittent employment follows, without a break in service in excess of 3 days, employment in a covered position. An intermittent employee is eligible for retirement coverage, if he or she is serving under a career or career-conditional appointment.



b. Life insurance. An intermittent employee is not eligible for life insurance coverage except when the intermittent employment follows, without a break in service in excess of 3 days, employment in a covered position and the employee is expected to return to a covered position.

c. Annual and sick leave. An intermittent employee does not accrue annual or sick leave. When a part-time or full-time employee is changed to intermittent, unused sick leave is held in abeyance until the employee returns to a scheduled tour, or separates and forfeits the leave after a 3-year break in service. Any unused annual leave is paid as a lump sum, except in a situation involving a continuing program under which an employee is required to return to full-time or part-time employment after a period of intermittent employment.

d. Holiday pay. An intermittent employee is not eligible for holiday pay.

4-4. SERVICE CREDIT

a. Career tenure. Each day an intermittent employee is in pay status is counted as 1 day toward the 780 days in pay status, which is equivalent to the 3-year service requirement for career tenure. This service requirement may not be satisfied in less than 3 years of calendar time.

b. Time in grade. Intermittent service is counted on the basis of time in the grade, without regard to the actual time in a pay status.

c. Other requirements. For purposes of determining qualifications, eligibility for within-grade increases, leave accrual rate, and length of service for retention and retirement, each day an intermittent employee is in pay status is counted toward the 260 days which is equivalent to 1 year of service.

4-5. PERSONNEL CEILING

Paid straight-time hours worked by intermittent employees count against an agency's Full-Time Equivalent (FTE) work year personnel ceiling in those agencies operating under this system.